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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,363	09/12/2003	Michael S. DeFranks	SMCY-P01-101	6758

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FISH & NEAVE IP GROUP
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EXAMINER

SUHOL, DMITRY

ART UNIT	PAPER NUMBER
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3725

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/661,363

Applicant(s)

DEFRANKS ET AL.

Examiner

Dmitry Suhol

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-80 is/are pending in the application.
- 4a) Of the above claim(s) See Continuation Sheet is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 17, 22, 23, 28, 33, 34, 51-53, 59, 64, 65, 70, 75 and 76 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/30/04, 3/31/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Continuation of Disposition of Claims: Claims withdrawn from consideration are 12-16, 18-21, 24-27, 29-32, 35-50, 54-58, 60-63, 66-69, 71-74 and 77-80.

DETAILED ACTION

Election/Restrictions

Applicant's election of the invention of group I, specifically the species depicted in figure 4 in the reply filed on 1/8/2007 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Additionally, applicants believe that claims 1-11, 17-38, 51-53 and 59-80 read onto the elected invention, however claims 18-21, 24-27, 29-32, 35-38, 60-63, 66-69, 71-74 and 77-80 directly or indirectly require at least one of a clutch or braking mechanism which is only depicted in the inventions shown in figures 6 or 7 and therefore are withdrawn by the examiner as being drawn to a non-elected invention and will not be examined. Consequently only claims 1-11, 17, 22-23, 28, 33-34, 51-53, 59, 64-65, 70, 75-76 will be examined.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 10-11, 17, 22-23, 28, 33-34, 51-53, 59, 64-65, 70, 75-76 are rejected under 35 U.S.C. 102(b) as being anticipated by Otzen et al '051. Otzen discloses an

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apparatus for the manufacture of a coiled wire which containing all of the claimed elements including, a coil spring winder (device having pins 3.1 and 3.2) and a wire holder (A) which is rotatable along a direction orthogonal to the feed direction (through L1 and L2) and along the feed direction itself (through L3) so that torque acting about a cross section of the wire is reduced (col. 4, lines 24-29). Limitations of claim 2 are shown in figure 1, while the operation of the holder unit and the turning of the coil spring winder unit acting in synch is facilitated by sensing devices E1 and E2. A reel and its positioning as required by claims 10-11 and 52-53 is shown in figure 1. A motor for rotating the reel as require by claims 17, 28, 59 and 70 is read onto the controlled drive disclosed at col. 4, lines 8-9. A tension sensor as required by claims 22, 64 is shown as sensor E2 which controls the drive unit of bearing L1 and L2 depending on need as required by claims 23 and 65 (col. 4, lines 28-32). A torque sensor as required by claims 33, 75 is shown as sensor E1 which controls the drive unit of bearing L3 (col. 4, lines 24-30) as required by claims 34 and 76.

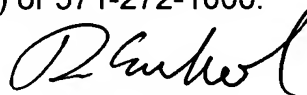
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Suhol whose telephone number is 571-272-4430. The examiner can normally be reached on Mon - Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Dmitry Suhol
Primary Examiner
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ds